

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
HOT SPRINGS DIVISION

STEVEN C. HAYES

PETITIONER

v.

Case No. 6:20-cv-06059

DEXTER PAYNE, Director,  
Arkansas Department of Correction

RESPONDENT

**ORDER**

Now before the Court is the Report and Recommendation filed July 8, 2021, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 26). Petitioner proceeds in this in this Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 *pro se*. On June 9, 2021, the Court denied the Petition for Writ of Habeas Corpus because the allegations raised in the Petition failed to state a claim upon which habeas relief could be granted. (Order, ECF No. 22). On March 5, 2021, Petitioner filed a notice of appeal (ECF No. 23) and an application to appeal *in forma pauperis* (ECF No. 24). Judge Bryant recommends that Petitioner's application to appeal *in forma pauperis* be denied.

Petitioner has not filed objections to the Report and Recommendation, and the time to object has passed. *See* 28 U.S.C. § 636(b)(1). Upon review, the Court finds that the report is without clear error and should be and hereby is adopted *in toto*. Accordingly, it is **ORDERED** that Petitioner's application to appeal *in forma pauperis* (ECF No. 24) and Motion for Certificate of Appealability (ECF No. 25) are **DENIED**.

**IT IS SO ORDERED** this 25th day of August 2021.

/s/Robert T. Dawson

ROBERT T. DAWSON  
SENIOR U.S. DISTRICT JUDGE